

1
ORDINANCE NO. 88 - 3

2 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH
3 COUNTY, FLORIDA, AMENDING ORDINANCE 79-1, AND ORDINANCE 87-9
4 ARTICLE V, SECTION 1(5), KNOWN AS "FLOOD DAMAGE PREVENTION
5 ORDINANCE"; PROVIDING MEASURES THAT WILL PROTECT LIVES AND
6 PROPERTY FROM FUTURE FLOODING; ESTABLISHING A FLOOD PLAIN
7 MANAGEMENT POLICY; PROVIDING DEFINITIONS; ESTABLISHING
8 REQUIREMENTS FOR STRUCTURES IN ANY AREA OF SPECIAL FLOOD
9 HAZARD; PROVIDING FOR STATUTORY AUTHORIZATION, FINDING OF
10 FACT, PURPOSE AND OBJECTIVES; PROVIDING FOR GENERAL PROVISIONS
11 TO ESTABLISH AREAS OF SPECIAL FLOOD HAZARDS, COMPLIANCE
12 THEREWITH, ENFORCEMENT AND PENALTIES; PROVIDING FOR
13 ADMINISTRATION OF PERMITS AND VARIANCES; PROVIDING FOR FLOOD
14 HAZARD REDUCTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT,
15 SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

16 WHEREAS, Palm Beach County, Florida is participating in the
17 National Flood Insurance Program for the purpose of assuring the
18 increased safety of its citizens from future flooding; and

19 WHEREAS, the Federal Emergency Management Agency has revised
20 its regulations having to do with areas subject to severe flooding in
21 Palm Beach County; and

22 WHEREAS, Federal regulations provide that federally-related
23 financial assistance and insurance will not be available in any community
24 having special flood hazards, unless the community adopts, by
25 ordinance, the revised flood plain management regulations meeting minimum
26 federal standards; and

27 WHEREAS, it is the intent of the Board of County Commissioners
28 of Palm Beach County to continue the participation in a program designed
29 to protect lives and new construction from future flooding by adopting an
30 ordinance meeting the revised federal standards.

31 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
32 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA:

33 FLOOD DAMAGE PREVENTION ORDINANCE

34 ARTICLE I. STATUTORY AUTHORIZATION, FINDING OF FACT, PURPOSE
35 AND OBJECTIVES.

36 Section 1. Statutory Authorization

37 The Legislature of the State of Florida has in Florida
38 Statutes, Chapter 125, delegated the responsibility to local governmental
39 units to adopt regulations designed to promote the public health, safety,

41 Coding: Words in ~~strike-through-type~~ are deletions for existing laws;
42 Words underlined are additions.

1 and general welfare of its citizenry and has granted to the Legislative
2 and governing body of Palm Beach County the power to establish and
3 administer programs of flood control. Therefore, the Board of County
4 Commissioners of Palm Beach County, Florida does ordain as follows:

5 Section 2 Findings of Facts.

6 (1) The flood hazard areas of the Palm Beach County are
7 subject to periodic inundation which results in loss of life and
8 property, health and safety hazards, disruption of commerce and
9 governmental services, extraordinary public expenditures for flood
10 protection and relief, and impairment of the tax base, all of which
11 adversely affect the public health, safety, and general welfare.

12 (2) These flood losses are caused by the cumulative effect of
13 obstructions in areas of special flood hazards which increase flood
14 heights and velocities, and by uses that are inadequately floodproofed,
15 elevated or otherwise protected from flood damage.

16 Section 3. Statement of Purpose.

17 It is the purpose of this ordinance to promote public health,
18 safety and general welfare, and to minimize public and private losses due
19 to flood conditions in specific areas by provisions designed.

20 (1) To protect human life and health;

21 (2) To minimize expenditure of public money for costly flood
22 control projects;

23 (3) To minimize the need for rescue and relief efforts
24 associated with flooding and generally undertaken at the expense of the
25 general public;

26 (4) To minimize prolonged business interruptions;

27 (5) To minimize damage to public facilities and utilities such
28 as water and gas mains, electric, telephone and sewer lines, streets and
29 bridges located in areas of special flood hazard;

30 (6) To help maintain a stable tax base by providing for the
31 sound use and development of areas of special flood hazard so as to
32 minimize future flood blight areas;

33 (7) To insure that potential buyers are notified that property
34 is in an area of special flood hazard.

1 Section 4. Methods of Reducing Flood Losses.

2 In order to accomplish its purposes, this ordinance includes
3 methods and provisions for:

4 (1) Restricting or prohibiting uses which are dangerous to
5 health, safety, and property, due to water or erosion hazards, or which
6 result in increases in erosion or in flood heights or velocities;

7 (2) Requiring that uses vulnerable to floods, including
8 facilities which serve uses, be protected against flood damage at the
9 time of initial construction;

10 (3) Controlling the alteration of natural flood plains, stream
11 channels, and natural protective barriers, which help accommodate or
12 channel flood waters;

13 (4) Controlling filling, grading, dredging, and other
14 development which may increase flood damage; and

15 (5) Preventing or regulating the construction of flood
16 barriers which will unnaturally divert flood waters or which may increase
17 flood hazards in other areas.

18 ARTICLE II. DEFINITIONS

19 Unless specifically defined below, words or phrases used in
20 this ordinance shall be interpreted so as to give them the meaning they
21 have in common usage and to give this ordinance its most reasonable
22 application.

23 "Appeal" means a request for a review of the interpretation of
24 the County Administrator or his designated representatives of any
25 provision of this ordinance or a request for a variance.

26 "Area of shallow flooding" means a designated AO or VO Zone on
27 the Flood Insurance Rate Map (FIRM). The base flood depth range from one
28 to three feet; a clearly defined channel does not exist; the path of
29 flooding is unpredictable and indeterminable and, velocity flow may be
30 evident.

31 "Area of special flood hazard" means the land in the flood
32 plain within a community subject to a one percent or greater chance of
33 flooding in any given year.

34 "Base flood" means the flood having a one percent chance of
35 being equalled or exceeded in any given year.

1 "Breakaway walls" means any type of walls, whether solid or
2 lattice, and whether constructed of concrete, masonry, wood, metal,
3 plastic, or other suitable building material, which are not part of the
4 structural support of the building and is intended through its design and
5 construction to collapse under specific later loading forces without
6 causing damage to the elevated portion of the building or the supporting
7 foundation system.

8 "Coastal High Hazard Area" means the area subject to high
9 velocity waters, including, but not limited to, hurricane wave wash or
10 tsunamis. The area is designated on a FIRM as Zone VI-30.

11 "Development" means any man-made change to improve or unimprove
12 real estate, including, but not limited to, buildings or other
13 structures, mining, dredging, filling, grading, paving, excavation or
14 drilling operations.

15 "Development Permit" means that permit required by this
16 ordinance prior to the commencement of any development as defined by this
17 ordinance. Said development shall be issued by the appropriate count
18 department and may be incorporated with Palm Beach County's planning,
19 zoning, building and subdivision permit systems.

20 "Elevated Building" means a non-basement building to have the
21 lowest floor elevated above ground level by means of fill, solid
22 foundation perimeter walls pilings, columns, posts or piers, shear walls,
23 or breakaway walls.

24 "Existing mobile home park or mobile home subdivisions" means a
25 parcel (or contiguous parcels) of land divided into two or more mobile
26 home lots for rent or sale for which the construction of facilities for
27 servicing the lot on which the mobile home is to be affixed (including,
28 at a minimum, the installation of utilities, either final site grading or
29 the pouring of concrete pads, or the construction of streets) is
30 completed before the effective date of this ordinance.

31 "Expansion to an existing mobile home park or mobile home
32 subdivision" means the preparation of additional sites by the
33 construction of facilities for servicing the lots on which the mobile
34 homes are to be affixed (including the installation of utilities, either

1 final site grading or pouring of concrete pads, or the construction of
2 streets).

3 "Flood" or "flooding" means a general and temporary condition
4 of partial or complete inundation of normally dry land areas from:
5 (1) the overflow of inland or tidal waters;
6 (2) the unusual and rapid accumulation or runoff of surface
7 waters from any source.

8 "Flood Hazard Boundary Map (FHBM)" means an official map of a
9 community, issued by the Federal Emergency Management Agency, where the
10 boundaries of the areas of special flood hazard have been designated as
11 Zone A.

12 "Flood Insurance Rate Map (FIRM)" means an official map of a
13 community, on which the Federal Emergency Management Agency has
14 delineated both the areas of special flood hazard and the risk premium
15 zones applicable to the community.

16 "Flood Insurance Study" means the official report provided by
17 the Federal Emergency Management Agency which contains flood profiles, as
18 well as the Flood Hazard Boundary-Floodway Map and the water surface
19 elevation of the base flood.

20 "Floodway" means the channel of a river or other watercourse
21 and the adjacent land areas that must be reserved in order to discharge
22 the base flood without cumulatively increasing the water surface
23 elevation more than one foot.

24 "Functionally Dependant Facility" means a facility which cannot
25 be used for its intended purpose unless it is located or carried out in
26 close proximity to water such as docking or port facility necessary for
27 the loading and unloading of cargo or passengers shipbuilding, or ship
28 repair or seafood processing facilities. The term does not include
29 long-term storage, manufacture, sales, or service facilities.

30 "Floor" means the top surface of an enclosed area in a building
31 (including basement) i.e., top of slab in concrete construction or top of
32 wood flooring in wood frame construction. The term does not include the
33 floor of a garage used solely for parking vehicles.

1 "Highest Adjacent Grade" means the highest natural elevation of
2 the ground surface, prior to construction, next to the proposed walls of
3 a structure.

4 "Mangrove stand" means an assemblage of mangrove trees which is
5 mostly low trees noted for a copious development of interfacing
6 adventitious roots above the ground and which contain one or more of the
7 following species: black mangrove (*Avicennia Nitida*); red mangrove
8 (*Rhizophora Mangle*); white mangrove (*Langunculania Racemosa*); and
9 buttonwood (*Conocarpus Erecta*).

10 "Mean Sea Level" means the average height of the sea for all
11 stages of the tide.

12 "Manufactured Home" means a structure, transportable in one or
13 more sections, which is built on a permanent chassis and designed to be
14 used with or without a permanent foundation when connected to the
15 required utilities. The term also includes park trailers, travel
16 trailers, and similar transportable structures placed on a site for 180
17 consecutive days or longer and intended to be improved property.

18 "New Construction" means structures for which the "start of
19 construction" commenced on or after the effective date of this ordinance.

20 "New Mobile Manufactured home park or mobile manufactured home
21 subdivision" means a parcel (or contiguous parcels) of land divided into
22 two or more mobile manufactured home lots for rent or sale for which the
23 construction of facilities for servicing the lot on which the mobile
24 manufactured home is to be affixed (including, at a minimum, the
25 installation of utilities, either final site grading or the pouring of
26 concrete pads, or the construction of streets) is completed on or after
27 the effective date of this ordinance.

28 "Sand dunes" means naturally occurring accumulations of sand in
29 ridges or mounds landward of the beach.

30 "Start of construction" means-the-first-placement-of-permanent
31 construction-of-a-structure-(other-than-a-mobile-home)-on-a-site,-such-as
32 the-pouring-of-slabs-or-footings-or-any-work-beyond-the-stage-of
33 excavation--For-a-structure-(other-than-a-mobile-home)-without-a
34 basement-or-poured-footings,-the-"start-of-construction"-includes-the
35 first-permanent-framing-or-assembly-of-the-structure-or-any-part-thereof

1 on-its-piling-or-foundation;--For-mobile-homes-not-within-a-mobile-home
 2 park-or-mobile-home-subdivision;--"start-construction"--means-the-affixing
 3 of-the-mobile-home-to-its-permanent-site;--For-mobile-homes-within-mobile
 4 home-parks-or-mobile-home-subdivision;--"start-construction"--is-the-date
 5 on-which-the-construction-of-facilities-for-servicing-the-site-on-which
 6 the-mobile-home-is-to-be-affixed-(including,-at-a-minimum,-the
 7 construction-of-streets,-either-final-site-grading-or-the-pouring-of
 8 concrete-pads,-or-installation-of-utilities)-is-completed.

9 (for other than new construction or substantial improvements under the
 10 Coastal Barrier Resources Act (P. L. 97-348), includes substantial
 11 improvement, and means the date the building permit was issued, provided
 12 the actual start of construction, repair, reconstruction, or improvement
 13 was within 180 days of the permit date. The actual start means the first
 14 placement of permanent construction of a structure (including a
 15 manufactured home) on a site, such as the pouring of slabs or footings,
 16 installation of piles, construction of columns, or any work beyond the
 17 stage of excavation of the placement of a manufactured home on a
 18 foundation. For purposes of this ordinance only, permanent construction
 19 does not include land preparation, such as clearing, grading and filling;
 20 nor does it include the installation of streets and/or walkways; nor does
 21 it include excavation for a basement, footings, piers or foundations or
 22 the erection of temporary forms; nor does it include the installation on
 23 the property of accessory buildings, such as garages or sheds not
 24 occupied as dwelling units or not part of the main structure.

25 "Structure" means anything constructed or erected with a fixed
 26 location on the ground, or attached to something having a fixed location
 27 on the ground. Among other things, structures including buildings,
 28 mobile homes, towers, walls, fences, billboards, and poster panels.

29 "Substantial improvement" means any combination of repairs,
 30 reconstruction or improvement of a structure, or the improvement creates
 31 additional enclosed space which contains equipment or utilities relative
 32 to the primary structure, the cost of which equals or exceeds 50 percent
 33 of the market value of the structure either:

34 (1) before the improvement or repair is started, or

1 (2) if the structure has been damaged and is being restored,
2 before the damage occurred.

3 For the purposes of this definition, "substantial improvement"
4 is considered to occur when the first alteration of any wall, ceiling,
5 floor, or other structural part of the building commences, whether or not
6 that alteration affects the external dimensions of the structure.

7 The term does not, however, include either:

8 (1) any project for improvement of a structure to comply with
9 existing State or local health, sanitary, or safety code specifications
10 which are solely necessary to assure safe living conditions, or

11 (2) any alteration of a structure listed on the National
12 Register of Historic Places or a State Inventory of Historic Place.

13 "Variances" means a grant of relief from the requirements of
14 this ordinance which permits construction in a manner that would
15 otherwise be prohibited by this ordinance.

16 ARTICLE III. GENERAL PROVISIONS.

17 Section 1. Lands to Which this Ordinance Applies

18 This ordinance shall apply to all areas of special flood
19 hazards within the unincorporated areas of Palm Beach County.

20 Section 2. Basis for Establishing the Areas of Special Flood
21 Hazards.

22 The areas of special flood hazard identified by the Federal
23 Emergency Management Agency in a scientific and engineering report
24 entitled "The Flood Insurance Study, Wave Height Analysis, Palm Beach
25 County, Florida, Unincorporated Areas", April 15, 1982, with accompanying
26 revised Flood Insurance Rate Maps dated October 15, 1982, together with
27 community panels 1201920140A, 1201920150A, 1201920160A, 1201920170A,
28 1201920180A, 1201920185A, 1201920200A, and 1201920215A is hereby adopted
29 by reference and declared to be a part of this ordinance.

30 Section 3. Compliance.

31 No structure or land shall hereafter be constructed, located,
32 extended, converted or structurally altered without full compliance
33 with the terms of this ordinance. and other applicable regulations.

1 Section 4. Abrogation and Greater Restrictions.

2 This ordinance is not intended to repeal, abrogate, or impair
3 any existing easements, covenants, or deed restrictions. However, where
4 there ordinance and other ordinances, conflict or overlap, whichever
5 imposes the more stringent restrictions shall prevail.

6 Section 5. Interpretation.

7 In the interpretation ad application of this ordinance, all
8 provisions shall be:

9 (1) Considered as minimum requirements;
10 (2) Liberally construed in favor of the governing body; and
11 (3) Deemed neither to limit nor repeal any other power granted
12 under State statutes.

13 Section 6. Warning and Disclaimer of Liability

14 The degree of flood protection required by this ordinance is
15 considered reasonable for regulatory purposes and is based on scientific
16 and engineering considerations. Larger floods can and will occur from
17 time to time. Flood heights may be increased by man-made or natural
18 causes. This ordinance does not imply that land outside the areas of
19 special flood hazard or uses permitted within such areas will be free
20 from flooding or flood damages. This ordinance shall not create
21 liability on the part of Palm Beach County or by any officer or employee
22 thereof for any flood damages that result form reliance on this ordinance
23 or any administrative decision lawfully made thereunder.

24 Section 7. Enforcement, Penalties.

25 Violations of the provisions of this ordinance or failure to
26 comply with any of its requirements, including violation of conditions
27 and safeguards established in connection with grants of variance or
28 special exceptions, shall constitute a misdemeanor. Any person who
29 violates this ordinance or fails to comply with any of its requirements
30 shall, upon conviction thereof, be fined not more than \$500.00 or
31 imprisoned for not more than 60 days, or both, and in addition shall pay
32 all costs and expenses involved in the case. Each day such violation
33 continues shall be considered a separate offense. Nothing herein
34 contained shall prevent Palm Beach County from taking such other lawful
35 action as is necessary to prevent or remedy any violation.

1 ARTICLE IV. ADMINISTRATION.

2 Section 1. Establishment of Development Permit.

3 A Development Permit shall be obtained before construction or
4 development begins within any area of special flood hazard established in
5 Article III, Section 2.

6 Application for a Development Permit shall be made on forms
7 furnished by the County Administrator or his designated representatives
8 and may include, but not be limited to, plans drawn to scale showing the
9 nature, location, dimensions, and elevations of the area in question;
10 existing or proposed structures, fill, storage of materials, and drainage
11 facilities.

12 Application for a Development Permit shall include the
13 following specifically required information.

14 (1) Elevation in relation to mean sea level, of the lowest
15 floor (including basement) of all structures;

16 (2) Elevation in relation to mean sea level to which any
17 structure has been floodproofed;

18 (3) Certified by a registered professional engineer that the
19 floodproofing methods for any nonresidential structure meet the
20 floodproofing criteria in Article V, Section 2(2); and

21 (4) Description of the extent to which any watercourse will be
22 altered or relocated as a result of proposed development.

23 The requirements for a Development Permit specified above may
24 be coordinated with the Palm Beach County Planning, Zoning, Building
25 subdivision permit systems, thus increasing the scope of the said permit
26 systems to cover both structures and uses of the land.

27 Section 2. Designation of the Administrator

28 The County Administrator, or his designated representatives, is
29 hereby appointed to administer and implement this ordinance by granting
30 or denying Development Permit applications in accordance with its
31 provisions.

32 Section 3. Duties and Responsibilities of the Administrator.

33 Duties of the County Administrator, or his designated
34 representatives, shall include, but not be limited to:

- 1 (1) Review all Development Permits to determine that the
2 permit requirements of this ordinance have been satisfied.
- 3 (2) Review all Development Permits to determine that all
4 necessary permits have been obtained from those Federal, State, or local
5 governmental agencies from which prior approval is required.
- 6 (3) Review all Development Permits in the coastal high hazard
7 area of the area of special flood hazard to determine if the proposed
8 development alters mangrove standards or sand dunes so as to increase
9 potential flood damage.
- 10 (4) Review plans for walls to be used to enclose space below
11 the base flood level in accordance with Article V, Section 2(5)(h).
- 12 (5) When base flood elevation data has not been provided in
13 accordance with Article III, Section 2, then the County Administrator, or
14 his designated representatives, shall obtain, review, and reasonably
15 utilize any base flood elevation data available from a federal, state, or
16 other source, in order to administer the provisions of Article V.
- 17 (6) Verify and record the actual elevation (in relation to mean
18 sea level) of the lowest habitable floor (including basement) of all new
19 or substantially improved structures.
- 20 (7) Verify and record the actual elevation (in relation to mean
21 sea level) to which the new or substantially improved structures have
22 been flood-proofed.
- 23 (8) When flood-proofing is utilized for a particular structure,
24 certification from a registered professional engineer shall be obtained.
- 25 (9) In coastal high hazard areas, certification shall be
26 obtained from a registered professional engineer at the provisions of
27 Article V, Section 2(5)(b)(c) and (d) are met.
- 28 (10) Maintain for public inspection all records pertaining to
29 the provisions of this ordinance.
- 30 (11) Notify adjacent communities and the Treasure Coast
31 Regional Planning Council of Palm Beach County prior to any alteration or
32 relocation of a natural watercourse, or drainage facilities of a
33 designated drainage district, and submit evidence of such notification to
34 the Federal Emergency Management Agency.

1 (12) Require that maintenance be provided within the altered or
2 relocated portion of said natural watercourse or drainage facility of a
3 designated drainage district, so that the flood carrying capacity is not
4 diminished.

5 (13) Make interpretations were needed, as to the exact location
6 of the boundaries of the areas of special flood hazards; (for example,
7 where there appears to be a conflict between a mapped boundary and actual
8 field conditions). The person contesting the location of the boundary
9 shall be given a reasonable opportunity to appeal the interpretation as
10 provided in Article IV, Section 4.

11 Section 4. Variance Procedure.

12 Variances from the requirements of this ordinance may be
13 granted in accordance with the procedures and guidelines established
14 herein. Provided, however, that variances may only be requested when the
15 total contiguous property owned or controlled by the applicant does
16 not exceed ten (10) acres in area, or is less than two (2) acres of
17 impervious surface, as the term has been defined in Chapter 40 E-4,
18 Florida Administrative Code and construed by the South Florida Water
19 Management District. The procedure for seeking to obtain a variance is
20 set forth herein below:

21 (1) The Palm Beach County Environmental Control Board shall
22 hear and decide appeals and requests for variances from the requirements
23 of this ordinance.

24 (2) The Palm Beach County Environmental Control Board shall
25 hear and decide appeals when it is alleged there is an error in any
26 requirement, decision, or determination made by the County Administrator,
27 or his designated representatives, in the enforcement or administration
28 of this ordinance.

29 (3) Those aggrieved by the decision of the Palm Beach County
30 Environmental Control Board may appeal such decision to the Circuit Court
31 by Writ of Certiorari. Notice of appeal shall be in writing and filed
32 within thirty (30) days after the decision is rendered by the Palm Beach
33 County Environmental Control Board.

34 (4) In passing upon such applications, the Palm Beach County
35 Environmental Control Board shall consider all technical evaluations, all

1 relevant factors, standards specified in other sections of this
2 ordinance, and:

3 (a) A danger that materials may be swept onto other lands to
4 the injury of others;

5 (b) The danger of life and property due to flooding or erosion
6 damage;

7 (c) The susceptibility of the proposed facility and its
8 contents to flood damage and the effect of such damage on the individual
9 owner;

10 (d) The importance of the services provided by the proposed
11 facility to the community;

12 (e) The necessity to the facility of a waterfront location,
13 where applicable;

14 (f) The availability of alternative locations, not subject to
15 flooding or erosion damage, for the proposed use;

16 (g) The compatibility of the proposed use with existing and
17 anticipated development;

18 (h) The relationship of the proposed use to the comprehensive
19 plan and flood plain management program for that area;

20 (i) The safety of access to the property in times of flood for
21 ordinary and emergency vehicles;

22 (j) The expected heights, velocity, duration, rate of rise and
23 sediment transport of the flood waters and the effects of wave action,
24 if applicable, expected at the site; and

25 (k) The costs of providing governmental services during and
26 after flood conditions, including maintenance and repair of public
27 utilities such as sewer, gas, electrical and water systems, and streets
28 and bridges.

29 (5) Upon consideration of the factors listed above and the
30 purposes of this ordinance, the Palm Beach County Environmental Control
31 Board may attach such conditions to the granting of variances as it deems
32 necessary to further the purposes of this ordinance.

33 (6) Conditions for variances:

34 (a) Generally, variances may be issued for new construction
35 and substantial improvements to be erected on a parcel of land of

1 one-half acre or less in size contiguous to and surrounded by parcels of
2 land with existing structures constructed below the base flood level,
3 providing items (a-k) of Subsection (4) above, have been fully
4 considered. As the parcel of land size increases beyond the one-half
5 acre, the technical justification required for issuing the variance
6 increases.

7 (b) Variances may be issued for the reconstruction,
8 rehabilitation or restoration of structures on the National Register of
9 Historic Places or the State Inventory of Historic Places without regard
10 to the procedures set forth in the remainder of this section.

11 (c) Variances shall not be issued within any designated
12 floodway if any increase in flood levels during the base flood discharge
13 would result.

14 (d) Variances should only be issued upon a determination that
15 the variance is the minimum necessary, considering the flood hazard, to
16 afford relief.

17 (e) Variances shall only be issued upon: (i) a showing of good
18 and sufficient cause; (ii) a determination that failure to grant the
19 variance would result in exceptional hardship to the applicant; and (iii)
20 a determination that the granting of a variance will not result in
21 increased flood heights, additional threats to public safety,
22 extraordinary public expense, create nuisances, cause fraud on or
23 victimization of the public, or conflict with existing local laws or
24 ordinances.

25 (7) Any applicant to whom a variance is granted shall be given
26 written notice specifying the difference between the base flood elevation
27 and the elevation to which the structure is to be built and stating that
28 the cost of flood insurance will be commensurate with the increased risk
29 resulting from the reduced lowest flood elevation.

30 (8) The County Administrator, or his designated
31 representatives, shall maintain the records of all appeal actions and
32 report any variances to the Federal Emergency Management Agency upon
33 request.

1 ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTIONS.

2 Section 1. General Standards.

3 In all areas of special flood hazards the following standards
4 are required: All construction regulated by this ordinance, for which a
5 building permit is required as specified in Palm Beach County Ordinance
6 No. 86-41, as amended, shall be designed and constructed in accordance
7 with the requirements herein and Ordinance No. 86-41. In the event of
8 conflict the more stringent standard shall apply.

9 (1) Anchoring

10 (a) All new construction and substantial improvements shall be
11 anchored to prevent flotation, collapse, or lateral movement of the
12 structure.

13 (b) All mobile homes shall be anchored to resist flotation,
14 collapse, or lateral movement by providing ties to ground anchors. All
15 mobile homes shall comply with the requirements of the Palm Beach County
16 Mobile Home Inspection Ordinance.

17 (2) Construction Materials and Methods.

18 (a) All new construction and substantial improvements shall be
19 constructed with materials and utility equipment resistant to flood
20 damage.

21 (b) All new construction and substantial improvements shall be
22 constructed using methods and practices that minimize flood damage.

23 (3) Utilities:

24 (a) All new and replacement water supply systems shall be
25 designed to minimize or eliminate infiltration of flood waters into the
26 system;

27 (b) New and replacement sanitary sewage systems shall be
28 designed to minimize or eliminate infiltration of flood waters into the
29 systems and discharge from the systems into flood waters; and

30 (c) On-site waste disposal systems shall be located to avoid
31 impairment to them or contamination from them during flooding.

32 (4) Subdivision Standards.

33 (a) All subdivision proposals shall be consistent with the
34 need to minimize flood damage;

(b) All subdivision proposal shall have public utilities and facilities such as a sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(c) All subdivision proposal shall have adequate drainage provided to reduce exposure to flood damage; and

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

(5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Section 2 Specific Standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in Article 3, Section 2, or Article 4, Section 3(5), the following provisions are required:

(1) Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(2) Non-Residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

(a) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water; and

(b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) be certified by a register professional engineer that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article IV, Section 1(3).

1 (3) Mobile Manufactured Homes.

2 (a) Mobile Manufactured home shall be anchored in accordance
3 with Article V. Section 1 (1)(b) and the Palm Beach County Mobile Home
4 Inspection Ordinance.

5 (b) For new mobile manufactured home parks and mobile
6 manufactured home subdivisions; for expansions to existing mobile
7 manufactured home parks and mobile manufactured home subdivisions; for
8 existing mobile manufactured home parks and mobile manufactured home
9 subdivisions where the repair, reconstruction or improvement of the
10 streets, utilities and pads equals or exceeds 50 percent of value of the
11 streets, utilities and pads before the repair, reconstruction or
12 improvement has commenced; and for mobile manufactured homes not placed
13 in a mobile manufactured home park or mobile manufactured home
14 subdivision, required that: (i) stands or lots are elevated on compacted
15 fill or on pilings so that the lowest floor of the mobile manufactured
16 home will be at or above the base flood level; (ii) adequate surface
17 drainage and access for a hauler are provided; and, (iii) in the instance
18 of elevation on pilings, that: lots are large enough to permit steps;
19 piling foundations are placed in stable soil no more than ten feet apart;
20 and reinforcement is provided for pilings more than size feet above the
21 ground level.

22 (c) No mobile manufactured home shall be placed in a coastal
23 high hazard area, except in an existing mobile manufactured home park or
24 an existing mobile manufactured home subdivision.

25 (4) Floodways - Located within areas of special flood hazard
26 established in Article III, Section 2, are areas designated as floodways.
27 Since the floodway is an extremely hazardous area due to the velocity of
28 floodwaters which carry debris, potential projectiles and erosion
29 potential, the following provisions shall apply:

30 (a) Prohibit encroachments, including fill, new construction,
31 substantial improvements and other developments unless certification by a
32 registered professional engineer is provided demonstrating that
33 encroachments shall not result in any increase in flood levels during
34 occurrence of the base flood discharge.

1 (b) If Article V, Section 2(4)(a) is satisfied, all new
2 construction and substantial improvements shall comply with all
3 applicable flood hazard reduction provisions of Article V.

4 (c) Prohibit the placement of any ~~mobile~~ manufactured homes,
5 except in an existing ~~mobile~~ manufactured home park or existing mobile
6 home subdivision.

7 (5) Coastal High Hazard Area.

8 Coastal high hazard areas (V zones) are located within the
9 areas of special flood hazard established in Article III, Section 2, are
10 areas designated as Coastal High Hazard Areas. These areas have special
11 flood hazards associated with high velocity waters from tidal surge and
12 hurricane wave wash, therefore, the following provisions shall apply:

13 (a) All buildings or structures shall be located landward of
14 the reach of the mean high tide.

15 (b) All buildings or structures shall be elevated so that the
16 lowest supporting member is located no lower than the base flood
17 elevation level, with all space below the lowest supporting member opens
18 so as not to impede the flow of water, except for breakaway walls as
19 provided in Article V, Section 2(5)(h).

20 (c) All building or structures shall be securely anchored on
21 pilings or columns.

22 (d) Pilings or columns used as structural support shall be
23 designed and anchored so as to withstand all applied loads of the base
24 flood flow.

25 (e) Compliance with provisions contained in Article V, Section
26 2(5)(b), (c) and (d) shall be certified to by a registered professional
27 engineer.

28 (f) There shall be no fill used as structural support.

29 (g) There shall be no alteration of sand dunes or mangrove
30 stands which would increase potential flood damage.

31 (h) Breakaway walls shall be allowed below the base flood
32 elevation provided they are not part of the structural support of the
33 building and are designed so as to breakaway, under abnormally high tides
34 or wave action, without damage to the structural integrity of the
35 building on which they are to be used provided the following design

1 specifications are met: (i) minimum breakaway loading shall be thirty
2 pounds per square foot wind load on a vertical panel facing directly into
3 the wind, and (ii) maximum breakaway loading shall be fifty pounds per
4 square foot wind load on a vertical panel facing directly into wind.

5 (i) If breakaway walls are utilized, such enclosed space shall
6 not be used for human habitation.

7 (j) Prior to construction, plans for any structure that will
8 have breakaway walls must be submitted to the County Administrator, or
9 his designated representatives, for approval.

10 (k) Prohibit the placement of mobile home, except in an
11 existing mobile home park or existing mobile home subdivision.

12 (l) Any alteration, repair, reconstruction or improvement to a
13 structure started after the enactment of this ordinance shall not enclose
14 the space below the lowest floor unless breakaway walls are used as
15 provided for in Article V, Section 2(5)(h).

16 (6) Elevated Buildings. New construction or substantial
17 improvements of elevated buildings that include fully enclosed areas
18 formed by foundation and other exterior walls below the base flood
19 elevation shall be designed to preclude finished living space and
20 designed to allow for the entry and exit of flood waters to automatically
21 equalize hydrostatic flood forces on exterior walls.

22 (a) Designs for complying with this requirement must either be
23 certified by a professional engineer or architect or meet the following
24 minimum criteria:

25 (i) Provide a minimum of two openings having a total net area
26 of not less than one square inch for every square foot of enclosed area
27 subject to flooding

28 (ii) The bottom of all openings shall be no higher than one
29 foot above grade; and

30 (iii) Openings may be equipped with screens, louvers, valves or
31 other coverings or devices provided they permit the automatic flow of
32 floodwaters in both direction.

33 (b) Electrical, plumbing and other utility connections are
34 prohibited below the base flood elevation; and

1 (c) Access to the enclosed area shall be the minimum necessary
2 to allow for parking of vehicles (garage door) or limited storage or
3 maintenance equipment used in connection with the premises (standard
4 exterior door) or entry to the living area (stairway or elevator); and
5 (d) The interior portion of such enclosed area shall not be
6 partitioned or finished into separate rooms.

7 Section 3. Standards for Areas of Shallow Flooding (AO Zones)

8 Located within the areas of special flood hazard established in
9 Article III, Section 2, are areas designated as shallow flooding. These
10 areas have special flood hazards associated with base flood depths of one
11 to three feet where a clearly defined channel does not exist and where
12 the path of flooding is unpredictable and indeterminate; therefore, the
13 following provisions apply:

14 (1) All new construction and substantial improvements of
15 residential structures shall have the lowest floor, including basement,
16 elevated to the depth number specified on the Flood Insurance Rate Map,
17 in feet, above the highest adjacent grade. If no depth number is
18 specified, the lowest floor, including basement, shall be elevated at
19 least two (2) feet above the highest adjacent grade.

20 (2) All new construction and substantial improvements of
21 non-residential structures shall:

22 (a) have the lowest floor, including basement, elevated to the
23 depth number specified on the Flood Insurance Rate Map, in feet, above
24 the highest adjacent grade. If no depth number is specified, the lowest
25 floor, including basement, shall be elevated at least two (2) feet above
26 the highest adjacent grade.

27 (b) together with attendant utility and sanitary facilities be
28 completely flood-proofed to or above that level so that any space below
29 that level is watertight with walls substantially impermeable to the
30 passage of water and with structural components having the capability of
31 resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

1 ARTICLE VI. REPEALS OF LAWS IN CONFLICT, SEVERABILITY,
2 INCLUSION IN THE CODE AND EFFECTIVE DATE.

3 REPEAL OF LAWS IN CONFLICT

4 All local laws and ordinances applying to the unincorporated
5 area of Palm Beach County in conflict with any provisions of this
6 ordinance are hereby repealed.

7 SEVERABILITY

8 If any section, paragraph, sentence, clause, phrase, or word of
9 this ordinance is for any reason held by the Court to be unconstitu-
10 tional, inoperative or void, such holding shall not affect the remainder
11 of this ordinance.

12 INCLUSION IN THE CODE OF LAWS AND ORDINANCES

13 The provisions of this ordinance shall become and be made a
14 part of the code of laws and ordinances of Palm Beach County, Florida.
15 The Sections of the ordinance may be renumbered or relettered to
16 accomplish such, and the word "ordinance" may be changed to "section,"
17 "article," or any other appropriate word.

18 EFFECTIVE DATE

19 The provisions of this ordinance shall become effective upon
20 receipt of acknowledgement by the Secretary of State.

21 APPROVED AND ADOPTED by the Board of County Commissioners of
22 Palm Beach County, Florida, on the 23rd day of February, 1988.

23 PALM BEACH COUNTY, FLORIDA, BY ITS
24 BOARD OF COUNTY COMMISSIONERS

25 By Carol J. Ellingsworth
26 Vice-Chair

27 APPROVED AS TO FORM AND
28 LEGAL SUFFICIENCY

29 Thomas D. Bunn
30 Assistant County Attorney

31 8801 8801 Acknowledgement by the Department of State of the State of
32 Florida, on this, the 29th day of February, 1988.

33 EFFECTIVE DATE: Acknowledgement from the Department of State
34 received on the 1st day of March, 1988, at 10:40
35 A.M., and filed in the Office of the Clerk of the Board of County
36 Commissioners of Palm Beach County, Florida. STATE OF FLORIDA, PALM BEACH
I, JOHN B. DUNN, Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on 3/1/88.
DATED at West Palm Beach, Florida on 3/1/88.
JOHN B. DUNN, Clerk
By: Dee C. Brinkley D.C.